

Minutes of the Planning Commission meeting held on Thursday, July 15, 2010, at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Jim Harland, Chair
Ray Black
Tim Taylor
Karen Daniels
Jeff Evans
Tim Tingey, Community & Economic Development Director
Chad Wilkinson, Community Development Planner
G.L. Critchfield, Deputy City Attorney
Citizens

Excused: Sheri Van Bibber
Kurtis Aoki

The Staff Review meeting was held from 6:00 to 6:30 p.m. The Planning Commission members briefly reviewed the applications on the agenda. An audio recording of this is available at the Murray City Community and Economic Development Department.

Mr. Harland opened the meeting and welcomed those present. He stated that the item for Murray Bar and Grill has been withdrawn from this agenda.

APPROVAL OF MINUTES

Jeff Evans made a motion to approve the minutes from June 17, 2010 and July 1, 2010. Seconded by Tim Taylor.

A voice vote was made. The motion passed, 5-0.

CONFLICT OF INTEREST

Jeff Evans stated that he has had prior business dealings with the Huka Bar, but does not have any current business with them. He said that he is comfortable voting on this item.

APPROVAL OF FINDINGS OF FACT

Jeff Evans made a motion to approve the Findings of Fact for Conditional Use Permits for Cottonwood Surgery Center and the Humane Society of Utah. Seconded by Karen Daniels.

A voice vote was made. The motion passed, 5-0.

HUKA INTERNET CAFÉ & JUICE BAR – 139 East 6100 South – Project #10-153

Nathan Porter was the applicant present to represent this request. Tim Tingey reviewed this item and stated that it has been continued from two previous meetings due to some parking issues. He stated that this type of use is allowed with a Conditional Use Permit in a C-D-C zone. He said that the ordinance requires 1 parking space for every 2 seats for this type of business and that additional parking must be located within 200 feet of the site. Mr. Tingey stated that there is parking available on an adjacent site and also at

a framing business that is within 200 feet of the site. He said that the applicant went to the Board of Adjustment for a 10 foot front and 5 foot rear landscape variance but the request was denied. Mr. Tingey reviewed the site and stated that there are 94 parking stalls at the Huka Bar location. He said that there are some landscape requirements that need to be met and that the trash container needs to be screened. He stated that the parking lot of the Frame Station meets most code standards but that the disabled accessible spot needs to meet requirements for width and there is a trash container on the site that needs to be screened. Mr. Tingey stated that the applicant has now reduced the seating capacity to 66 in order to meet parking standards. He said that with this seating capacity 33 parking spaces are required. He said that on the Huka Bar site the seating capacity has been reduced to 162 seats, which requires 81 parking spaces. He said that there are a total of 114 parking spaces required which is met by using the 3 different parking lots. Mr. Tingey stated that the previous staff recommendation of denial was based on failure to meet adequate parking. He said that staff has now modified their findings and recommend approval with conditions.

Karen Daniels asked how the seating capacity reduction will be monitored. She asked if someone in business licensing will inspect the premises. Mr. Tingey responded that the business has to renew their business license each year and that this is something that can be monitored on a yearly basis. He said that if there are complaints about increased parking and it appears that seating has been increased then an inspection will be done at that time. Mr. Harland asked if the number of seats is verified when the business license is issued. Mr. Tingey replied that it is and is also verified as part of their plans for modification to the building.

Nathan Porter, 97 Princeton Drive, Midvale, stated that besides obtaining the additional customer parking, he has secured some offsite employee parking that is more than 200 feet from the site. He said that he decreased the seating in the Huka Lounge by 30 percent. Mr. Harland asked if the parking agreement has been signed. Mr. Porter replied that it has been signed and that he has provided a copy to staff. Mr. Black asked where the 35 parking spaces are for employees. Mr. Porter responded that he is using the Pep Boys lot on State Street.

Jim Harland opened the meeting for comments from the public.

Chad Thomas, 2062 East Camino Way, stated that he works at The Cheesecake Factory. He said that he and his coworkers are frequent customers of the Huka Bar and he looks forward to the addition of an espresso bar. He stated that he has been to a number of bars and that the Huka Bar is a high caliber establishment. He said that he thinks growth is good for the city and that he doesn't like to see many vacant buildings.

Terry Wasmer, 15067 Eagle Crest Drive, stated that from February 2006 through November 2008 he was the sales floor manager for Morgan Jewelers, which is adjacent to the Huka Bar. He said that he was a participant with the Murray City Chamber during that time. He stated that the Huka Bar made excellent neighbors and that they sometimes did promotions together. He said that he took a number of jewelry sales representatives from various cities to the bar and they were complimentary of the business.

Devon Kapler, 151 East 6100 South, stated that she is representing William Kapler, who owns the building that the Huka currently occupies. Ms. Kapler read a letter from

William Kapler in which he expressed his personal support of the Huka Internet Café and Juice Bar and outlined the benefits of approving this Conditional Use Permit. The letter continued by stating that the business will upgrade the building located at 139 East 6100 South and provide a tenant in a space that has been vacant for a significant time. The letter indicates that the Huka Bar has been a good tenant and responsive to issues, and that the street will improve with a stable business in the area. The letter stated that the local area will be safe. Ms. Kapler read the balance of the letter which provided a history of the building and prior tenants and outlined the improvements that would be made to the building and the area if the Huka is granted the Conditional Use Permit.

There were no additional comments from the public related to this item.

Mr. Harland asked Mr. Porter if he has reviewed the six conditions recommended by staff. Mr. Porter responded that he has, and that all conditions will be met. Mr. Harland stated that in condition 6, the word immediately will be changed to 7 days. Mr. Porter agreed.

Karen Daniels made a motion to approve the Conditional Use Permit for the Huka Lounge and Internet Café, located at 139 East 6100 South, 165 and 167 East 6100 South, subject to conditions:

1. The project shall meet all applicable building code standards.
2. The project shall meet all current fire codes.
3. Revised site and landscape plans are required for the three business locations regarding landscaping, dumpster enclosures and parking stalls, including disabled parking stalls with signs, in compliance to the Murray Land Use Ordinance are required for review and approval by city officials and be installed as approved prior to operation of the business use and business license approval.
4. All trash containers shall be screened as required by Section 17.76.170 prior to business licensing.
5. Meet the Murray Police Department requirements for business license approval.
6. If the parking agreement is discontinued for Huka Lounge, a separate agreement for parking arrangement must be provided within 7 days to the Community and Economic Development Department with a completed application for Planning Commission approval, meeting City regulations, or the Conditional Use Permit revocation process will be pursued by the City.

Seconded by Tim Taylor.

Call vote recorded by Chad Wilkinson.

A _____ Ms. Daniels
A _____ Mr. Taylor
A _____ Mr. Black
A _____ Mr. Evans

A _____ Mr. Harland

Motion passed, 5-0.

MILLER FAMILY REAL ESTATE AND LDS CHURCH – 30 East Stauffer Lane & 5750 South Nena Way– Project #10-175 and #10-176

Gary Palmer was the applicant present to represent this request. Chad Wilkinson reviewed the location and request for a general plan amendment. He said that there are two properties involved. He said that the property addressed 30 East Stauffer Lane is requesting a general plan amendment from commercial retail to residential, single family, low density, and a zone change from C-D-C to R-1-8. He stated that the property addressed 5750 South Nena Way is requesting a general plan amendment from public, quasi-public to commercial retail and a zone change from R-1-8 to C-D-C. Mr. Wilkinson stated that this request is the result of an effort to adjust the common property boundary between the two lots. He said that the church is zoned R-1-8 and in order to allow the current use of the adjacent lot the zone must be changed. He said that this change will square the commercial property. Mr. Wilkinson stated that staff is recommending approval of the general plan amendments and zone changes.

Gary Palmer from Miller Family Real Estate stated that this is a mutual agreement between his company and the church for the purpose of squaring the properties and benefits both parties.

There were no comments from the public related to this item.

Jeff Evans made a motion to send a positive recommendation to the City Council for approval of a general plan amendment and zone change from R-1-8 to C-D-C at the property addressed 5750 South Nena Way, and from C-D-C to R-1-8 at the property addressed 30 East Stauffer Lane. Seconded by Karen Daniels.

Call vote recorded by Chad Wilkinson.

A _____ Jeff Evans
A _____ Karen Daniels
A _____ Ray Black
A _____ Tim Taylor
A _____ Jim Harland

Motion passed, 5-0.

Meeting adjourned.

Tim Tingey, Director
Community and Economic Development